

California Regional Water Quality Control Board  
North Coast Region

CLEANUP AND ABATEMENT ORDER NO. R1-2003-0082

For

Kenneth C. Wilson  
Skaggs Springs Road  
Healdsburg, California

Sonoma County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board) finds that:

1. Kenneth C. Wilson (hereinafter "Discharger") owns approximately 2,500 acres of forest and ranch land located approximately 11 miles west of Healdsburg on the south side of Skaggs Springs Road, (hereinafter "site"). The Discharger manages the site for multiple uses including vineyard, timber production, hunting/recreation and housing for farm workers.
2. On May 7, 2003, staff from the Regional Water Board, California Department of Fish and Game (CDFG) and National Marine Fisheries Service inspected the site in response to a report that Regional Water Board staff received from a CDFG warden who observed extensive erosion and illegal trash dumping while investigating a bear poaching incident at the site. During the inspection, staff verified the CDFG report regarding extensive erosion and illegal trash disposal.

There is an extensive road network throughout much of the 2,500-acre site. The roads lack proper erosion and drainage control structures. Regional Water Board staff observed severe gully erosion at numerous locations along much of the road network. The erosion associated with the road network has caused large volumes of sediment to discharge into waters of the State.

There is a large vineyard at the site with significant erosion problems because of earthen waste material that was placed in numerous headwater swales located around the perimeter of the vineyard. The vineyard erosion caused large volumes of sediment to discharge into waters of the State. On June 10, 1994, the Executive Officer of the Regional Water Board issued Cleanup and Abatement Order No. 94-92 requiring the Discharger to abate the discharge of earthen material from the vineyard located at the site. Despite repeated attempts by Regional Water Board staff the Discharger never fully complied with the Cleanup and Abatement Order and the Order has not been rescinded.

Regional Water Board staff also observed illegal disposal of solid waste or refuse at several locations. This waste included household garbage, appliances, propane tanks, storage drums, and other miscellaneous items and associated pollution. The dump sites are located in and near watercourses, and trash and leachate have discharged into waters of the state.

Staff also observed approximately ¼ mile of stream in which riparian vegetation was cut down within the last two years. The removal of riparian vegetation caused this stretch of stream to have a greater exposure to solar radiation than it would have under natural

conditions, likely resulting in increased water temperatures in Warm Springs Creek. The stream contains cold water fish habitat for resident Rainbow Trout or land locked Steelhead Trout upstream of Lake Sonoma.

On May 7, 2003, Regional Water Board staff initiated enforcement by requesting the Discharger, to begin cleanup operations. Staff have been working closely with the Discharger's attorney and consultant to implement appropriate remedial measures.

3. The site is located in the Pena Creek, Redwood Log Creek and Warm Springs Creek Watersheds. Redwood Log Creek is Tributary to Pena Creek, which is tributary to Dry Creek downstream of Lake Sonoma. Warm Springs Creek is tributary to Lake Sonoma, which is tributary to Dry Creek. Dry Creek is tributary to the Russian River near Healdsburg. Redwood Log Creek, Pena Creek, Dry Creek and the Russian River provide habitat for Coho Salmon, Chinook Salmon and Steelhead Trout, which are listed as threatened under the Endangered Species Act. Excessive amounts of sediment are known to impact salmonid spawning and rearing habitat.
4. The beneficial uses of the Russian River and tributary streams are designated in the Water Quality Control Plan for the North Coast Region (Basin Plan) and include the following uses:
  - a. Municipal and domestic supply
  - b. Agricultural supply
  - c. Industrial supply
  - d. Groundwater recharge
  - e. Navigation
  - f. Hydropower generation
  - g. Water recreation
  - h. Non-contact water recreation
  - i. Commercial and sport fishing
  - j. Warm water fish habitat
  - k. Cold water fish habitat
  - l. Wildlife habitat
  - m. Rare, threatened or endangered species
  - n. Migration of aquatic organisms
  - o. Spawning, reproduction, and/or early development
  - p. Estuarine habitat
  - q. Aquaculture
5. The Discharger's land management activities have resulted in the discharge and threat of further discharge of earthen waste material, household garbage, refuse and associated pollution into waters of the State, in violation of the waste discharge prohibitions contained in the Action Plan for Logging, Construction and Associated Activities in the Basin Plan. The Discharger has caused or permitted waste to be discharged or deposited into waters of the State and to cause a condition of pollution or nuisance and has caused or permitted waste and to be placed where it is or probably will be discharged to waters of the state and threatens to create a condition of pollution or nuisance.

6. This enforcement action is being taken for the protection of the environment and, therefore, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to California Water Code Sections 13267(b) and 13304, the Discharger shall:

1. By October 1, 2003, clean up and abate the effects of earthen materials that have discharged, and that threatened to be discharged, from the road network and vineyard at the site into tributaries of Redwood Log Creek, Pena Creek and Warm Springs Creek.
2. By August 1, 2003 clean up and abate the effects of the illegal garbage/refuse disposal that have discharged and that threaten to discharge into Warm Springs Creek, Redwood Log Creek and Pena Creek. All garbage/refuse shall be removed from the site and disposed of at an appropriate refuse disposal facility. Records and receipts associated with all disposal activities shall be submitted to the Regional Water Board by August 1, 2003.
3. By August 1, 2003, submit an erosion control and drainage plan for all roads at the site. At a minimum, the plan shall include the following information:
  - An inventory and description of all erosion sites that are discharging earthen material or sediment into watercourses.
  - Erosion control measures to correct all erosion sites that are discharging earthen material or sediment into watercourses.
  - An inventory, evaluation and description of all culverts and stream crossings. All culverts and stream crossings shall be designed and upgraded to withstand all future storm or flood events that this region may experience. At a minimum, all culverts and stream crossings shall be designed to withstand at least 100-year storm events.
  - A site map showing the inventoried erosion sites, culverts and stream crossings, with all proposed erosion control measures.
4. By August 1, 2003, submit an erosion control and drainage plan for the vineyard located at the site. Work to be described in this plan shall include removal of all earthen material placed in headwater swales and stabilization of all disturbed soil in order to prevent the discharge of additional earthen waste material into waters of the State.
5. By August 1, 2003, submit a riparian restoration plan for the ~¼ mile reach of Warm Springs Creek where riparian vegetation was cut down. At a minimum the plan shall include measures to prevent the future destruction of riparian vegetation on Warm Springs Creek and other Class I and II watercourses at the site.

6. By October 15, 2003, submit a completion report describing all completed work required above.
7. By September 1, 2003, submit a report quantifying the amount of sediment that has been discharged into waters of the State from the Discharger's roads and vineyards at the site, as a result of the Discharger's management activities or failure to install adequate erosion control measures.
8. The above required completion report and the erosion control and drainage plans for the road network and vineyard shall be prepared by a California licensed civil engineer or engineering geologist experienced in erosion control for roads and vineyards.
9. If, for any reason, the Discharger is unable to perform any activity or to submit any document in compliance with the schedule set forth herein or in compliance with any work schedule submitted pursuant to this Order and concurred with by the Executive Officer, the Discharger may request, in writing, an extension of time specified. The extension request must be received by the Regional Water Board at least five days in advance of the due date and shall include justification for the delay including a description of good faith efforts performed to achieve compliance with the due date. The extension request shall also include a proposed time schedule with new performance dates for the due date in question and all dependent dates. An extension may be granted for good cause, in which case this Order will be revised accordingly.

Ordered by \_\_\_\_\_

Susan A. Warner  
Executive Officer

July 11, 2003